

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:06-CR-279-D
No. 5:12-CV-539-D

TONY TAYLOR,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER


On January 24, 2018, Tony Taylor filed a second motion for reconsideration of this court's order of August 18, 2015. See [D.E. 136]. The court has considered the motion under the governing standard. See Fed. R. Civ. P. 60(b); United States v. McRae, 793 F.3d 392, 397 (4th Cir. 2015); Aikens v. Ingram, 652 F.3d 496, 500–01 & n.3 (4th Cir. 2011) (en banc); Nat'l Credit Union Admin. Bd. v. Gray, 1 F.3d 262, 264 (4th Cir. 1993).

Taylor's section 2241 petition is moot in light of President Obama's commutation of his life sentence to a sentence of 293 months' imprisonment on November 22, 2016. See United States v. Surratt, 855 F.3d 218, 219–20 (4th Cir. 2017); [D.E. 128] 4. Thus, the court dismisses as moot the motion for reconsideration.

Alternatively, Taylor's recent transfer to FCI Butner does not alter this court's prior inquiry into the proper venue for his petition. See Rumsfeld v. Padilla, 542 U.S. 426, 441 (2004); Kanai v. McHugh, 638 F.3d 251, 258 (4th Cir. 2011). Therefore, Taylor has failed to establish a meritorious claim or defense.

In sum, the court DISMISSES as moot petitioner's motion for reconsideration [D.E. 136] and DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 28 day of April 2018.



JAMES C. DEVER III
Chief United States District Judge